UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,968	10/30/2003	Eric Lawrence Barsness	ROC920030021US1	8987

46296 7590 04/19/2006		EXAMINER
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ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 04/19/2006

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/697,968	BARSNESS ET AL.
	Examiner	Art Unit	
	OLUBUSOLA ONI	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communication: Application, filed on 10/30/2003.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 15, 20 and 23 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

In claims 15, 20 and 25, a "program product" was recited; however, it is

computer program per se, an abstract idea per se which does not produce useful,

concrete and tangible result, and as such it is not limited to tangible, patent-eligible

subject matter. Also a "computer-readable signal bearing media" was recited, it is

likewise not limited to tangible media in accordance with applicant's specification, which

states that it may be digital and analog, whereby the signal is not a physical structure

and not in itself a tangible medium. Note that amending claims 15, 20 and 25 will

overcome this rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by

Jeddeloh (PAT No U.S 6,275,914).

For claim 1, Jeddeloh teaches "at least one processor" (Col. 1-2, Col. 3, lines 18-28) "a memory coupled to the at least one processor"(Col. 1-2, Col. 3, lines 24-41); and "a database query processor residing in the memory and executed by the at least one processor(Col. 3, lines 62-67, Col. 4, lines 1-5) the database query processor processing a first query to generate a first result set by interrogating a database, and, if a second query may be satisfied by the first result set, generating a second result set from the first result set without caching the first result set and without interrogating the database for the second query"(Col. 3, lines 62-67, Col. 5, lines 15-51)

For claim 2, Jeddeloh teaches "wherein the database query processor processes the first query, and while processing the first query evaluates at least one other query that is received during the processing of the first query to determine whether the at least one other query is satisfied by the first result set, wherein the database query processor returns the first result set to the first query and uses the first result set to generate at least one other result set for any of the at least one other query that is satisfied by the first result set"(Col.5, lines 15-51).

For claim 3, Jeddeloh teaches "wherein the database query processor delays processing a plurality of received queries, groups compatible received queries together, (Col. 2, lines 4-8, Col. 2, lines 29-34), generates a new query for each group that will produce a result set that will satisfy all queries in the group, processes each new query, and generates from the result set of each new query at least one other result set for queries in the group corresponding to the new query"(Col. 5, lines 15-51).

For claim 4, Jeddeloh teaches "at least one processor" (Col. 1-2, Col. 3, lines 18-28) "a memory coupled to the at least one processor"(Col. 1-2, Col. 3, lines 24-41) ; and "a database query processor residing in the memory and executed by the at least one processor, the database query processor processing a first query to generate a first result set, and while processing the first query evaluating at least one other query that is received during the processing of the first query to determine whether the at least one other query is satisfied by the first result set, the database query processor returning the first result set to the first query and uses the first result set to generate at least one other result set for any of the at least one other query that is satisfied by the first result set"(Col.5, lines 15-51).

For claim 5, Jeddeloh teaches "at least one processor" (Col. 1-2, Col. 3, lines 18-28) "a memory coupled to the at least one processor" (Col. 1-2, Col. 3, lines 24-41); and "a database query processor residing in the memory and executed by the at least

one processor, the database query processor delaying processing a plurality of received queries, grouping compatible received queries together(Col. 2, lines 4-8, Col. 2, lines 29-34), generating a new query for each group that will produce a result set that will satisfy all queries in the group, processing each new query, and generating from the result set of each new query at least one other result set for queries in the group corresponding to the new query"(Col. 5, lines 15-51).

For claim 6, Jeddeloh teaches "wherein the database query processor delays processing the plurality of received queries for a predetermined time period" (Col. 2, lines 2, lines 4-41).

For claim 7, Jeddeloh teaches "wherein the database query processor delays processing the plurality of received queries until a predetermined number of the plurality of queries has been received"(Col. 2, lines 4-41)

For claim 8, Jeddeloh, teaches "processing a first query to generate a first result set receiving a second query; and if the second-query may be satisfied by the first result set, generating a second result set from the first result set without caching the first result set and without interrogating the database"(Col. 3, lines 62-67, Col. 5, lines 15-51)

For claim 9, Jeddeloh teaches "while processing the first query, evaluating at
least one other query that is received during the processing of the first query to
determine whether the at least one other query is satisfied by the first result set;
returning the first result set to the first query; and using the first result set to generate at
least one other result set for any of the at least one other query that is satisfied by the
first result set"(Col.5, lines 15-51).

For claim 10, Jeddeloh teaches "delaying processing a plurality of received
queries; grouping compatible received queries together (Col. 2, lines 4-8, Col. 2, lines
29-34); generating a new query for each group that will produce a result set that will
satisfy all queries in the group; processing each new query; and generating from the
result set of each new query at least one other result set for queries in the group
corresponding to the new query"(Col. 5, lines 15-51).

For claim 11, Jeddeloh teaches "processing a first query to generate a first result
set while processing the first query, evaluating at least one other query that is
received during the processing of the first query to determine whether the at least one
other query is satisfied by the first result set; returning the first result set to the first
query; and using the first result set to generate at least one other result set for any of
the at least one other query that is satisfied by the first result set"(Col.5, lines 15-51).

For claim 12, Jeddeloh teaches "delaying processing a plurality of received queries grouping compatible received queries together (Col. 2, lines 4-8, Col. 2, lines 29-34); generating a new query for each group that will produce a result set that will satisfy all queries in the group; processing each new query; and generating from the result set of each new query at least one other result set for queries in the group corresponding to the new query"(Col.5, lines 15-51).

For claim 13, Jeddeloh teaches "wherein the step of delaying processing the plurality of received queries delays for a predetermined time period" (Col. 2, lines 2, lines 4-41).

For claim 14, Jeddeloh teaches "wherein the step of delaying processing the plurality of received queries delays until a predetermined number of the plurality of queries has been received" (Col. 2, lines 2, lines 4-41).

For claim 15, Jeddeloh teaches " a database query processor that processes a first query to generate a first result set by interrogating a database, and, if a second query may be satisfied by the first result set, the database query processor generates a second result set from the first result set without caching the first result set and without interrogating the database for the second query (Col. 3, lines 62-67,Col. 5, lines 15-51); and computer-readable signal bearing media bearing the database query processor"(Col. 3, lines 18-28, Col. 3,lines 54-67).

For claim 16, Jeddeloh teaches "wherein the computer-readable signal bearing media comprises recordable media"(Col. 3, lines 18-67).

For claim 17, Jeddeloh teaches "wherein the computer-readable signal bearing media comprises transmission media (Col. 3, lines 18-28, Col. 3,lines 54-67).

For claim 18, Jeddeloh teaches "wherein the database query processor processes the first query, and while processing the first query evaluates at least one other query that is received during the processing of the first query to determine whether the at least one other query is satisfied by the first result set, wherein the database query processor returns the first result set to the first query and uses the first result set to generate at least one other result set for any of the at least one other query that is satisfied by the first result set" (Col.5, lines 15-51).

For claim 19, Jeddeloh teaches "wherein the database query processor delays processing a plurality of received queries, groups compatible received queries together(Col. 2, lines 4-8, Col. 2, lines 29-34) ,generates a new query for each group that will produce a result set that will satisfy all queries in the group, processes each new query, and generates from the result set of each new query at least one other result set for queries in the group corresponding to the new query" (Col.5, lines 15-51).

For claim 20, Jeddeloh teaches "a database query processor that processes a first query to generate a first result set, and while processing the first query, the database query processor evaluates at least one other query that is received during the processing of the first query to determine whether the at least one other query is satisfied by the first result set, the database query processor returning the first result set to the first query and uses the first result set to generate at least one other result set for any of the at least one other query that is satisfied by the first result set (Col.5, lines 15-51); and computer-readable signal bearing media bearing the database query processor" (Col. 3, lines 18-28, Col. 3,lines 54-67).

For claim 21, Jeddeloh teaches "wherein the computer-readable signal bearing media comprises recordable media"(Col. 3, lines 18-67).

For claim 22, Jeddeloh teaches "wherein the computer-readable signal bearing media comprises transmission media" (Col. 3, lines 18-28, Col. 3,lines 54-67)

For claim 23, Jeddeloh teaches "a database query processor that delays processing a plurality of received queries, groups compatible received queries together (Col. 2, lines 4-8, Col. 2, lines 29-34), generates a new query for each group that will produce a result set that will satisfy all queries in the group, processes each new query, and generates from the result set of each new query at least one other result set for queries in the group corresponding to the new query (Col.5, lines 15-51).

and computer-readable signal bearing media bearing the database query

processor"(Col. 3, lines 18-20, Col. 3, lines 54-67).

For claim 24, Jeddeloh teaches "wherein the computer-readable signal bearing

media comprises recordable media"(Col. 3, lines 18-67).

For claim 25, Jeddeloh teaches "wherein the computer-readable signal bearing

media comprises transmission media" (Col. 3, lines 18-28, Col. 3,lines 54-67).

For claim 26, Jeddeloh teaches "wherein the database query processor delays

processing the plurality of received queries for a predetermined time period"(Col. 2,

lines 2, lines 4-41).

For claim 27, Jeddeloh teaches "wherein the database query processor delays

processing the plurality of received queries until a predetermined number of the

plurality of queries has been received" (Col. 2, lines 2, lines 4-41).

CONCLUSION

5.   The following prior art cited on the PTO-892 form, not relied upon, is considered

pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-

272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

OLUBUSOLA ONI
Examiner
Art Unit 2168

TIM VO
PRIMARY EXAMINER